



January 11, 2010

Craig Whitenack, Civil Investigator
United States Environmental Protection Agency
Region IX, Southern California Field Office
600 Wilshire Avenue, Suite 1420
Los Angeles, California 90017

**Re: Yosemite Creek Superfund Site, San Francisco, CA
Response to 104(e) Information Request by TriMas Corporation**

This letter responds to the October 15, 2009 request for information ("RFI") of the United States Environmental Protection Agency ("EPA") to TriMas Corporation as successor to NI Industries (Riverbank Ammunition Plant) ("TriMas") with regard to the Yosemite Creek Superfund site (the "Site"). Subject to both the general and specific objections noted below, and without waiving these or other available objections or privileges, TriMas submits the following in response to the RFI and in accordance with the January 11, 2010 due date that EPA has established for this response.

In responding to the RFI, TriMas has undertaken a diligent and good faith search for, and review of, documents and information in its possession, custody or control and that are relevant to this matter. In this response, TriMas provides all of the documents and information requested by EPA, that it was able to reasonably discover and which are relevant to the Bay Area Drum State Superfund Site at 1212 Thomas Avenue in San Francisco, California (the "BAD Site") and its relationship to the Site. See attached documents and index of documents.

However, the RFI purports to seek a great deal of information that is not relevant to the BAD Site or alleged contamination at the Site. For example, certain RFI questions seek information regarding facilities other than the BAD Site, including *all* facilities in California and *all* facilities outside California that shipped drums or other containers to *any* location in the entire state of California. These other facilities throughout California and the United States have no nexus to the Site. Because such questions are not relevant to the Site, they are beyond the scope of EPA's authority as set forth in Section 104(e)(2)(A) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") (EPA may request information "relevant to . . . [t]he identification, nature, and quantity of materials which have been . . . transported to a . . . facility").

The RFI also defined "COCs" as "any of the contaminants of concern at the Site and includes: lead, zinc, mercury, dichlorodiphenyltrichloroethane ("DDT"), chlordane, dieldrin, and polychlorinated biphenyls ("PCBs")." However, certain RFI requests also seek information regarding hazardous substances more broadly. These requests go beyond the

specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and are not relevant to the Site pursuant to Section 104(e)(2)(A) of CERCLA; thus TriMas has limited its review of documents and information to the COCs identified by EPA.

As you know, the California Department of Toxic Substances Control ("DTSC") conducted an extensive investigation of the BAD Site and NI Industries' Riverbank operations in connection with it. DTSC's investigation included an information request to NI and the DTSC files include NI's Response to DTSC's information request, among other documents. We understand that EPA is already in possession of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these files, they are readily available to EPA. Nevertheless, in this response, TriMas again provides the information previously produced to DTSC.

The manufacturing operations of NI Industries' Riverbank Ammunition Plant ceased in June 2009. TriMas is in the process of vacating the property previously occupied by the plant. By contract, TriMas must vacate the property by March 31, 2010. TriMas had previously retrieved and preserved the documents relevant to its shipments of drums to the BAD Site from the NI plant (which are provided in this response). However, during the course of preparing its response to this RFI, TriMas became aware that various business records from the NI operations, dating from on or before 1972 to the present, that had previously been stored in a warehouse and various other locations at the NI plant, had been routinely identified and slated for destruction in connection with the cessation of operations at the Riverbank location. TriMas believes that the records in question may include records of purchasing by the NI Riverbank operations. It is therefore possible that some of these records may be relevant to certain questions in the RFI regarding purchase of materials used at Riverbank that are not COCs at the BAD Site or to some of the other requests that do not specifically ask for information relevant to the BAD Site or contamination at the Site.

The business records in question had, at the time of their discovery, already been removed from the warehouse and placed in waste containers (metal bins similar to dumpsters) awaiting shredding and destruction. The volume of the documents in question is between approximately 84 and 112 cubic yards. As noted above, these business records had previously been reviewed for information relevant to the BAD Site or NI operations relevant to its shipments to the Site, which is provided in this Response. Accordingly, the burden of retrieving the records in question and reviewing them to response to requests that are not reasonably targeted to the BAD Site would be enormous and unwarranted. The cost of boxing and storing these documents and transferring them to some other location would be prohibitive. Again, the files are not particularly organized by year, subject or vendor name. They may consist of many files not related to a specific subject. The Riverbank facility must be vacated by NI by March 31, 2010. Moreover, TriMas has already been deemed a *de minimis* party at the BAD Site, so the documents in question are unlikely to yield information that would be important in the larger scheme of the BAD Site or its ultimate cleanup. For these reasons, TriMas has not undertaken to review the documents it recently discovered for purposes of responding to this RFI and objects to the undue burden of doing so.

Nevertheless, because some of the business documents may be relevant to requests made in the RFI and objected to by TriMas in this response, TriMas is hereby advising EPA of the existence of the documents and providing EPA with a reasonable time period of 45 calendar days within which to review or take custody of the documents. During that time, the documents will remain undisturbed in their current location (metal bins). After 45 calendar days (or after February 25, 2010), TriMas intends to carry out its prior plan of shredding and destroying the business records in the regular course of its efforts to vacate the Riverbank business location and cease operations. Therefore, please advise the undersigned immediately if EPA is interested in reviewing or taking custody of the documents described above.

GENERAL OBJECTIONS

TriMas asserts the following general privileges, protections and objections with respect to the RFI and each information request therein.

1. TriMas asserts all privileges and protections it has in regard to the documents and other information sought by EPA, including the attorney-client privilege, the attorney work product doctrine, all privileges and protections related to materials generated in anticipation of litigation, the settlement communication protection, the confidential business information ("CBI") and trade secret protections, and any other privilege or protection available to it under law. In the event that a privileged or protected document has been inadvertently included among the documents produced in response to the RFI, TriMas asks that any such document be returned to TriMas immediately and here states for the record that it is not thereby waiving any available privilege or protection as to any such document.
2. In the event that a document containing CBI or trade secrets has been inadvertently included among the numerous documents provided in response to the RFI, TriMas asks that any such documents be returned to TriMas immediately so that TriMas may resubmit the document in accordance with the applicable requirements for the submission of Confidential Information.
3. TriMas objects to any requirement to produce documents or information already in the possession of a government agency, including but not limited to DTSC, or already in the public domain. As noted above, DTSC conducted an extensive investigation of the BAD Site and NI's operations in connection with it. DTSC's investigation included an information request to NI and the DTSC files include TriMas's Response to DTSC's information request. EPA is already in possession of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these files, they are readily available to EPA. Notwithstanding this objection, and without waiving it, TriMas may produce certain information or documents in its possession, custody, or control that it previously provided to or obtained from government agencies that contain information responsive to the RFI.
4. TriMas objects to Instruction 4 to the extent it seeks to require TriMas, if information responsive to the RFI is not in its possession, custody, or control, to identify any and all persons from whom such information "may be obtained." TriMas is aware of no obligation that it has under Section 104(e) of CERCLA to identify all other persons who may have

information responsive to EPA information requests and is not otherwise in a position to identify all such persons who may have such information.

5. TriMas objects to Instruction 5 on the ground that EPA has no authority to impose a continuing obligation on TriMas to supplement these responses. TriMas will, of course, comply with any lawful future requests that are within EPA's authority.

6. TriMas objects to Instruction 6 in that it purports to require TriMas to seek and collect information and documents in the possession, custody or control of individuals not within the custody or control of TriMas. EPA lacks the authority to require TriMas to seek information not in its possession, custody or control.

7. TriMas objects to the RFI's definition of "document" or "documents" in Definition 3 to the extent it extends to documents not in TriMas's possession, custody, or control. TriMas disclaims any responsibility to search for, locate, and provide EPA copies of any documents "known [by TriMas] to exist" but not in TriMas's possession, custody, or control.

8. TriMas objects to the RFI's definition of "Facility" or "Facilities" in Definition 4 because the terms are overbroad to the extent that they extend to facilities with no connection to either the Site or the BAD Site. Moreover, the term "Facilities" as defined in the RFI is confusing and unintelligible as the term is defined as having separate meanings in Definition 4 and Request No. 3.

9. TriMas objects to the definition of "identify" in Definition 7 to the extent that the definition encompasses home addresses of natural persons. Subject to this objection, current TriMas employees and any other natural persons are identified by name. TriMas requests that any contacts until March 31, 2010 with TriMas employees identified in these responses or the related documents be initiated through Diana Thomas, Human Resource Manager at the Riverbank facility. Given the time frame under review, TriMas does not believe it will likely have valid contact information.

10. TriMas objects to the definition of "you," "Respondent," and "TriMas" in Definition 14 because the terms are overbroad and it is not possible for TriMas to answer questions on behalf of all the persons and entities identified therein. Notwithstanding this objection, and without waiving it, TriMas has undertaken a diligent and good faith effort to locate and furnish documents and information in its possession, custody, and control that are responsive to the RFI.

11. TriMas objects to EPA's requests that TriMas provide EPA separately information that is contained in documents being furnished by TriMas in response to the RFI. Where documents have been provided in connection with a response, information sought by EPA in the corresponding request for information that is set forth in those documents is not furnished separately. To do otherwise would be unduly burdensome.

RESPONSES TO OCTOBER 15, 2009 EPA INFORMATION REQUESTS

1. *Describe generally the nature of the business conducted by Respondent and identify the products manufactured, formulated, or prepared by Respondent throughout its history of operations.*

RESPONSE:

In addition to the General Objections set forth above, TriMas objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Identifying each of the products manufactured by TriMas is not feasible due to the long history and diversity of operations.

Without waiving the foregoing objections, TriMas responds as follows: Generally the facility manufactured metal military munition components such as shell casings, cartridge cases etc. A production history that was prepared by Linda Russell (Svoda) of NI on 9/18/92 as part of NI's contemporaneous response to DTSC's request for information dated August 31, 1992 is attached as document number 13370 which is part of the response to DTSC dated 11/16/92.

2. *Provide the name (or other identifier) and address of any facilities where Respondent carried out operations between 1940 and 1988 (the "Relevant Time Period") and that:*
 - a. *ever shipped drums or other containers to the BAD Site for recycling, cleaning, reuse, disposal, or sale.*
 - b. *are/were located in California (excluding locations where ONLY clerical/office work was performed);*
 - c. *are/were located outside of California and shipped any drums or other containers to California for recycling, cleaning, reuse, disposal, or sale (for drums and containers that were shipped to California for sale, include in your response only transactions where the drums and containers themselves were an object of the sale, not transactions where the sole object of the sale was useful product contained in a drum or other container).*

RESPONSE:

In addition to the General Objections set forth above, TriMas objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, in addition to facilities with a connection to the BAD Site, Request No. 2 purports to also seek information regarding any facility located in California (excluding locations where ONLY clerical/office work was performed) and any facility located outside of California that shipped drums or other containers to any location in California, even to locations other than the BAD Site. These other facilities have no nexus with the BAD Site, and thus this request seeks information that is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, TriMas responds as follows:

The only facility under the control of NI or TriMas for which TriMas has information of having sent any containers to the BAD site is the NI Industries Riverbank Army Ammunition Plant 5300 Claus Road, Riverbank, California 95367

3. *Provide a brief description of the nature of Respondent's operations at each Facility identified in your response to Question 2 (the "Facilities") including:*
- a. *the date such operations commenced and concluded; and*
 - b. *the types of work performed at each location over time, including but not limited to the industrial, chemical, or institutional processes undertaken at each location.*

RESPONSE:

In addition to the General Objections set forth above, TriMas objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. In particular, but without limiting the generality of the foregoing objection, TriMas objects to the request in (b.) that it describe "types of work performed at each location over time" Without identification by EPA of the types of work it is referring to, it would be virtually impossible, given the broad nature of possible work at various facilities, to describe each and every type of work that was performed at any facility. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, TriMas is providing EPA with certain information and documents that contain information related to the facility that shipped drums or other containers to the BAD Site. The facility was operated by NI Industries during the following time periods: 1952 – 1958; 1966-1980; and 1982-2009. As noted in response to request No. 1, the facility manufactured metal military munition components such as shell casings, cartridge cases, etc. As noted above, enclosed is a production history that was prepared by Linda Russell of NI on 9/18/92 as part of NI Industries contemporaneous response to DTSC's request for information dated August 31, 1192.

4. *For each Facility, describe the types of records regarding the storage, production, purchasing, and use of Substances of Interest ("SOI") during the Relevant Time Period that still exist and the periods of time covered by each type of record.*

RESPONSE:

In addition to the General Objections set forth above, TriMas objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly

burdensome to the extent it seeks to require TriMas to describe "types of records." Where documents have been provided in response to this RFI, each and every document regarding SOIs is not also "identified" by describing its contents. TriMas further objects to Request No. 4 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site; thus TriMas has limited its review of documents and information to the COCs identified by EPA.

Notwithstanding the foregoing, and without any waiver of its objections, TriMas is providing EPA with certain information and documents that contain information related to TriMas's Facilities that shipped drums or other containers to the BAD Site. See attached index of documents. These documents include the information and documents that NI Industries previously prepared and submitted to DTSC in response to DTSC's August 31, 1992 request for information.

Further, TriMas has identified in this response (above), that it has located business records that are scheduled to be destroyed that may contain additional information regarding the purchase of materials by NI industries. As stated above, TriMas objects to the substantial and unjustified burden and cost of reviewing such records. The time period covered by such records is generally 1972 to the present.

5. *Did Respondent ever (not just during the Relevant Time Period) produce, purchase, use, or store one of the COCs (including any substances or wastes containing the COCs) at any of the Facilities? State the factual basis for your response.*

RESPONSE:

In addition to the General Objections set forth above, TriMas objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. By removing any temporal limit and any nexus between COCs at NI's Facility and the BAD Site, Request No. 5 purports to seek information relating to other Facilities that is not relevant to contamination at the Site.

Without waiving the foregoing objections, TriMas responds that NI had production activities at the facility from 1952 – 1958; 1966 -1980; 1982 – 2009. TriMas does not have records or institutional knowledge of that entire period. Based on recent activity the "COC's" are identified in response to Request No. 15 a-d.

6. *If the answer to Question 5 is yes, identify each COC produced, purchased, used, or stored at each Facility.*

RESPONSE:

Given the long history of manufacturing at the NI facility, and the material variance over time in use of all raw materials due to various US war efforts, valid information regarding such time periods are not available.

7. *If the answer to Question 5 is yes, identify the time period during which each COC was produced, purchased, used, or stored at each Facility.*

RESPONSE:

Given the long history of manufacturing at the NI facility, and the material variance over time in use of all raw materials due to various US war efforts, valid information regarding such time periods are not available.

8. *If the answer to Question 5 is yes, identify the average annual quantity of each COC produced, purchased, used, or stored at each Facility.*

RESPONSE:

Given the long history of manufacturing at the NI facility, and the material variance over time in use of all raw materials due to various US war efforts, valid information regarding such time periods are not available.

9. *If the answer to Question 5 is yes, identify the volume of each COC disposed by the Facility annually and describe the method and location of disposal.*

RESPONSE:

Given the long history of manufacturing at the NI facility, and the material variance over time in use of all raw materials due to various US war efforts, valid information regarding such time periods are not available.

10. *Did Respondent ever (not just during the Relevant Time Period) produce, purchase, use, or store hydraulic oil or transformer oil at any of the Facilities? State the factual basis for your response to this question.*

RESPONSE:

In addition to the General Objections set forth above, TriMas objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. By removing any temporal limit and any nexus between hydraulic fuel or transformer oil at NI's Facilities and the BAD Site, Request No. 10 purports to seek information relating to other facilities that is not relevant to contamination at the Site.

Without waiving the foregoing objections, TriMas responds as follows: The NI facility does have transformers that use oil and has used hydraulic oil.

11. *If the answer to Question 10 is yes, identify each specific type of hydraulic oil and transformer oil produced, purchased, used, or stored at each Facility.*

RESPONSE:

Given the long history of manufacturing at the NI facility, and the material variance over time in use of all raw materials due to various US war efforts, valid information regarding such time periods are not available.

12. *If the answer to Question 10 is yes, identify the time period during which each type of hydraulic oil and transformer oil was produced, purchased, used, or stored.*

RESPONSE: Given the long history of manufacturing at the NI facility, and the material variance over time in use of all raw materials due to various US war efforts, valid data is not available.

13. *If the answer to Question 10 is yes, identify the average annual quantity of each type hydraulic oil and transformer oil purchased, produced, used, or stored at each Facility.*

RESPONSE:

Given the long history of manufacturing at the NI facility, and the material variance over time in use of all raw materials due to various US war efforts, valid information regarding such time periods are not available.

14. *If the answer to Question 10 is yes, identify the volume of each hydraulic oil and transformer oil disposed by the Facility annually and describe the method and location of disposal.*

RESPONSE:

Given the long history of manufacturing at the NI facility, and the material variance over time in use of all raw materials due to various US war efforts, valid information regarding such time periods are not available.

15. *Provide the following information for each SOI (SOIs include any substance or waste containing the SOI) identified in your responses to Questions 5 and 10:*

- a. *Describe briefly the purpose for which each SOI was used at the Facility. If there was more than one use, describe each use and the time period for each use;*
- b. *Identify the supplier(s) of the SOIs and the time period during which they supplied the SOIs, and provide copies of all contracts, service orders, shipping manifests, invoices, receipts, canceled checks and other documents pertaining to the procurement of the SOI;*

- c. *State whether the SOIs were delivered to the Facility in bulk or in closed containers, and describe any changes in the method of delivery over time;*
- d. *Describe how, where, when, and by whom the containers used to store the SOIs (or in which the SOIs were purchased) were cleaned, removed from the Facility, and/or disposed of, and describe any changes in cleaning, removal, or disposal practices over time.*

RESPONSE:

In addition to the General Objections set forth above, TriMas objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Request No. 15 purports to seek information relating to TriMas's Facilities that is not relevant to contamination at the Site. Without waiving its objections, TriMas responds as follows:

- | | | |
|------|---------|---|
| 15a | Lead | 1) Lead-based paints were used for painting equipment and buildings at the facility
2) Lead was used for repairs to lead steam coils |
| | Zinc | 1) Zinc phosphate was used as a surface preparation on steel for extrusion operations and painting operations.
2) Zinc chromate was used as a primer coat on painted metal parts |
| | Mercury | 1) Mercury was contained in electrical components such as thermostats and switches
2) Mercury was contained in manometers and thermometers
3) Mercury was contained in fluorescent light tubes |
| | PCBs | Transformers, oil-filled circuit breakers and capacitors contained PCBs |
| 15 b | | All known sales orders and shipping documents related to Bay Area Drum or Bandini are attached as document # 14010 11/10/95 drum volume documentation letter to DTSC. |
| 15c | Lead | 1) Paints were typically purchased in 1-gallon and 5-gallon containers
2) Lead was purchase in small spools and ingots |
| | Zinc | 1) Zinc phosphate was purchased in 55-gallon containers
2) Zinc chromate was purchased in 1-gallon containers |
| | Mercury | 1), 2) Size of packaging based on component size
3) Fluorescent tubes in 4-foot and 8-foot cartons |
| | PCBs | Transformer oil was purchased in 55-gallon containers. Source of PCBs also inherent in the internal components in transformers, breakers and capacitors. |
| 15d | | Some 55-gallon containers were vendor-return with deposit, some were reused on site, some were sold or given to recyclers, and some were crushed or cut up and discarded. Containers are known to have been decontaminated prior to reuse, recycle or discard since the mid-1980's. |

16. *For each SOI delivered to the Facilities in closed containers, describe the containers, including but not limited to:*

- a. *the type of container (e.g. 55 gal. drum, tote, etc.);*
- b. *whether the containers were new or used; and*
- c. *if the containers were used, a description of the prior use of the container.*

RESPONSE:

In addition to the General Objections set forth above, TriMas objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Request No. 16 purports to seek information relating to TriMas's Facilities that is not relevant to contamination at the Site.

Without waiving the foregoing objections, TriMas responds as follows: Container sizes are provided in response to request No. 15 (c). All containers were either new or vendor return.

17. *For each container that Respondent used to store a SOI or in which SOIs were purchased ("Substance-Holding Containers" or "SHCs") that was later removed from the Facility, provide a complete description of where the SHCs were sent and the circumstances under which the SHCs were removed from the Facility. Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

RESPONSE:

In addition to the General Objections set forth above, TriMas objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. TriMas further objects to Request No. 17 as it assumes that each SHC is somehow individually identified, tracked, and used and reused by the same entity throughout the life of the SHC. There is no evidence that BAD operated in this way or that it tracked SHCs for its customers such that this information is available. Generally, SHCs, such as drums sent to drum reconditioners by a customer, are fungible commodities and are not individually tagged or tracked to ensure their return to that particular customer. Accordingly, Request No. 17 purports to seek information that does not exist.

TriMas further objects to Request No. 17 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site; thus TriMas has limited its review of documents and information to the COCs identified by EPA.

Additionally, as stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 17 purports to seek information regarding SHCs that were sent to sites other than the BAD Site. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, TriMas is providing EPA with certain information and documents that contain information related to the NI facility that shipped drums or other containers to the BAD Site. See enclosed documents including list of containers sold between 1967 and 1984 to a drum recycler, prepared by Linda Russell as part of NI's contemporaneous response to DTSC's request for information dated August 31, 1992

18. *For each SHC that was removed from the Facility, describe Respondent's contracts, agreements, or other arrangements under which SHCs were removed from the Facility, and identity all parties to each contract, agreement, or other arrangement described. Distinguish between the Relevant Time Period and the time period since 1988.*

RESPONSE:

In addition to the General Objections set forth above, TriMas objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 18 purports to seek information regarding SHCs that were sent to sites other than the BAD Site. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, TriMas is providing EPA with certain information and documents that contain information related to NI's facility that shipped drums or other containers to the BAD Site. Further, containers of hazardous waste were shipped off-site to appropriate receiving facilities under contract with the government's Defense Reutilization and Marketing Offices.

19. *For each SHC, provide a complete explanation regarding the ownership of the SHC prior to delivery, while onsite, and after it was removed from the Facility. Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

RESPONSE:

In addition to the General Objections set forth above, TriMas objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. TriMas further objects to Request No. 19 as it assumes that each SHC is somehow individually identified, tracked, and used and reused by the same entity throughout the life of the SHC. There is no evidence that BAD operated in this way or that it tracked

SHCs for its customers such that this information is available. Generally, SHCs, such as drums sent to drum reconditioners by a customer, are fungible commodities and are not individually tagged or tracked to ensure their return to that particular customer. Accordingly, Request No. 19 purports to seek information that does not exist. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 18 purports to seek information regarding SHCs that were sent to sites other than the BAD Site.

Without waiving the foregoing objections, TriMas responds that containers that were used at the NI facility that were not "vendor-return" were the property of the vendor until they were received at the facility and became the property of the United States Department of the Army. Containers identified in response to Request No. 17 became the property of the entity that purchased them. Decontaminated containers that were given away become the property of the person or entity that picked them up.

20. Identify all individuals who currently have, and those who have had responsibility for procurement of Materials at the Facilities. Also provide each individual's job title, duties, dates performing those duties, current position or the date of the individual's resignation, and the nature of the information possessed by each individual concerning Respondent's procurement of Materials.

RESPONSE:

In addition to the General Objections set forth above, TriMas objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Request No. 20 purports to seek information relating to TriMas's Facilities that is not relevant to contamination at the Site. TriMas further objects to Request No. 20 as it purports to seek information regarding procurement of "Materials" at facilities other than the BAD Site and thus goes beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment.

Without waiving the foregoing objections, TriMas identifies the following persons who previously had responsibility for procurement of materials at the NI facility:

20 Clyde Klose:(Early to Mid 1970's); Russ Boyden:(Approx 1974-1981); Linda Svoboda (Russell) (Approx. 1981 -2007); Mary Moore (Approx 1984 – 1991); Peggy Griswold (2002-2009); Nancy Bertrand(2009-Present); Donna Ford (2003-2004); John Collins (Mid 1970 – 1980)

21. Describe how each type of waste containing any SOIs was collected and stored at the Facilities prior to disposal/recycling/sale/transport, including:

- a. the type of container in which each type of waste was placed/stored;
- b. how frequently each type of waste was removed from the Facility; Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.

RESPONSE:

In addition to the General Objections set forth above, TriMas objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 21 purports to seek information regarding collection and storage of "any SOIs" at facilities other than the BAD Site. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Without waiving the foregoing objections, TriMas responds as follows with regard to waste collected and stored at the NI facility:

- | | | |
|----|---------|--|
| 21 | Lead | 1) Waste containing any lead-based paint solids was stored on site in 55-gallon containers prior to disposal. Frequency of removal from the facility depended upon production contract quantity and duration.
2) Building debris containing any lead-based paint residue was stored on site in 10-CY roll-off bins or 1-CY boxes prior to disposal. Frequency of removal from the facility depended upon government funding of facility improvements. |
| | Zinc | 1), 2) Waste containing any zinc solids was stored in 55-gallon containers prior to disposal. Frequency of removal from the facility depended upon production contract quantity and duration. |
| | Mercury | 1), 2) Waste containing any mercury solids was stored in 55-gallon containers or 5-gallon lab packs prior to disposal. Frequency of removal from the facility depended upon production contract quantity and duration as well as government funding of facility maintenance projects.
3) From 1995 – 2005, fluorescent tubes were crushed on site in a RCRA-permitted tube crusher which discharged the ground material into a 55-gallon drum. From 2005 onward, fluorescent tubes are placed in a cardboard shipping box and sent to a recycler. |
| | PCBs | Waste containing any PCBs was stored in 55-gallon containers prior to disposal. Frequency of removal from the facility depended upon government funding of facility maintenance contracts. |

22. *Describe the containers used to remove each type of waste containing any SOIs from the Facilities, including but not limited to:*

- a. *the type of container (e.g. 55 gal. drum, dumpster, etc.);*
- b. *the colors of the containers;*
- c. *any distinctive stripes or other markings on those containers;*
- d. *any labels or writing on those containers (including the content of those labels);*
- e. *whether those containers were new or used; and*
- f. *if those containers were used, a description of the prior use of the container;*

Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.

RESPONSE:

In addition to the General Objections set forth above, TriMas objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. TriMas further objects to Request No. 22 as it assumes that each SHC is somehow individually identified, tracked, and used and reused by the same entity throughout the life of the SHC. There is no evidence that BAD operated in this way or that it tracked SHCs for its customers such that this information is available. Generally, SHCs, such as drums sent to drum reconditioners by a customer, are fungible commodities and are not individually tagged or tracked to ensure their return to that particular customer. Accordingly, Request No. 22 purports to seek information that does not exist.

As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." Moreover, the RFI defined "COCs" as "any of the contaminants of concern at the Site and includes: lead, zinc, mercury, DDT, chlordane, dieldrin, and PCBs. TriMas further objects to Request No. 22 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site; thus, TriMas has limited its review of documents and information to the COCs identified by EPA. Additionally, TriMas objects to Request No. 22 as it purports to seek information regarding containers used to remove each type of waste containing any SOIs from the Facilities and taken to *any* other place during *any* time. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing objections, please see the information set forth above in response to Request No. 21.

23. *For each type of waste generated at the Facilities that contained any of the SOIs, describe Respondent's contracts, agreements, or other arrangements for its disposal, treatment, or recycling and identify all parties to each contract, agreement, or other arrangement described. State the ownership of waste containers as specified under each contract, agreement, or other arrangement described and the ultimate destination or use for such containers. Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

RESPONSE:

In addition to the General Objections set forth above, TriMas objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." Moreover, the RFI defined "COCs" as "any of the contaminants of concern at the Site and includes: lead, zinc, mercury, DDT, chlordane, dieldrin, and PCBs. TriMas further objects to Request No. 23 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site; thus, TriMas has limited its review of documents and information to the COCs identified by EPA. Additionally, TriMas objects to Request No. 23 as it purports to seek information regarding waste generated at any Facilities that contained any SOIs and taken to any other place during any time. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Without waiving the foregoing objections, please see responses above to Request Nos. 18, 19 and 21.

24. *Identify all individuals who currently have, and those who have had, responsibility for Respondent's environmental matters (including responsibility for the disposal, treatment, storage, recycling, or sale of Respondent's wastes and SHCs). Provide the job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning Respondent's waste management.*

RESPONSE:

In addition to the General Objections set forth above, TriMas objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Identifying all individuals who currently have, and those who have had, responsibility for TriMas's environmental matters at all of TriMas's Facilities, including those that have no nexus to the BAD Site, is not feasible . . . [due to long history of existence/operations, the number of TriMas's locations, etc.].

Without waiving the foregoing objections, TriMas identifies the following persons with responsibility for environmental matters at the NI facility at the times indicated:

Bill Fox (Approx 1981 – Mid 1986); Art Fisher (1986 – 1991); Steven Luquire (1990-1999); Anthony Mendes (2000-Present); Mike Kummer (1999-2000)

25. *Did Respondent ever purchase drums or other containers from a drum recycler or drum reconditioner? If yes, identify the entities or individuals from which Respondent acquired such drums or containers.*

RESPONSE:

In addition to the General Objections set forth above, TriMas objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Identifying all drum recyclers or drum reconditioners from which TriMas has ever acquired such drums or containers is not feasible due to the long site history

Without waiving the foregoing objections, TriMas responds by stating that, despite a diligent inquiry, it has no knowledge of any purchases of recycled drums by the NI facility.

26. *Prior to 1988, did Respondent always keep its waste streams that contained SOIs separate from its other waste streams?*

RESPONSE:

In addition to the General Objections set forth above, TriMas objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. TriMas further objects to Request No. 26 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site; thus, TriMas has limited its review of documents and information to the COCs identified by EPA.

26 Without waiving the foregoing objections, TriMas states that the waste streams at the NI facility are known to have been maintained separately since the mid-1980's

27. *Identify all removal and remedial actions conducted pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 et seq., or comparable state law; all corrective actions conducted pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq.; and all cleanups conducted pursuant to the Toxic Substances Control Act, 15 U.S.C. § 2601 et seq. where (a) one of the COCs was addressed by the cleanup and (b) at which Respondent paid a portion of cleanup costs or performed work. Provide copies of all correspondence between Respondent and any federal or state government agency that (a) identifies a COC and (b) is related to one of the above-mentioned sites.*

RESPONSE:

In addition to the General Objections set forth above, TriMas objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly

burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 27 purports to seek information regarding a broad range of removal and remedial actions, corrective actions and cleanups. Moreover, identifying all such removal and remedial actions is not feasible due to the long history of manufacturing operations at the NI facility. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site. TriMas further objects to Request No. 27 to the extent that EPA is already in possession of the requested documents, and to the extent that EPA is not in possession of these files, they are readily available to EPA.

Without waiving the foregoing objections, TriMas responds as follows:

27. Areas of Concern identified in the NI facility's RCRA Facility Permit and remediated in accordance with agreements with the State of California DTSC include the following:

1) Zinc-contaminated soil was excavated and shipped off site in the mid-1990's

1) PCB-contaminated soil was excavated and shipped off site in the mid-2000's

It should be noted that prior to NI's occupancy the facility operated as an aluminum rendering plant that was suspected to be the source of on-site contamination.

28. *Provide all records of communication between Respondent and Bay Area Drum Company, Inc.; Meyers Drum Company; A.W. Sorich Bucket and Drum Company; Waymire Drum Company, Inc.; Waymire Drum and Barrel Company, Inc.; Bedini Barrels Inc.; Bedini Steel Drum Corp.; Bedini Drum; or any other person or entity that owned or operated the facility located at 1212 Thomas Avenue, in the City and County of San Francisco, California.*

RESPONSE:

In addition to the General Objections set forth above, TriMas objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. DTSC conducted an extensive investigation of the BAD Site and TriMas's operations in connection with it. DTSC's files include extensive records concerning the Bay Area Drum Company, Inc. and other persons and entities that owned or operated the facility located at 1212 Thomas Avenue, in the City and County of San Francisco, California. TriMas understands that EPA is already in possession of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these files, they are readily available to EPA.

Without waiving the foregoing objections, TriMas responds by stating that all known records associated with either the BAD Site or Bedini are included as various attachments.

29. *Identify the time periods regarding which Respondent does not have any records regarding the SOIs that were produced, purchased, used, or stored at the Facilities.*

RESPONSE:

In addition to the General Objections set forth above, TriMas objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. In responding to the RFI, TriMas has undertaken a diligent and good faith search for, and review of, documents and information in its possession, custody or control and that are relevant to this matter. Moreover, TriMas understands that EPA is already in possession of DTSC's files regarding the BAD Site. TriMas is under no further obligation to identify time periods to which these documents do not pertain.

Without waiving the foregoing objections, TriMas responds as follows:

Given the long history of manufacturing at the NI facility, the substantial passage of time and loss of records, and the material variance over time in use of all raw materials due to various US war efforts, valid information is not available.

30. *Provide copies of all documents containing information responsive to the previous twenty-nine questions and identify the questions to which each document is responsive.*

RESPONSE:

TriMas objects to Request No. 30 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site; thus, TriMas has limited its review of documents and information to the COCs identified by EPA. TriMas further objects to Request No. 30 as it purports to seek copies of documents containing information responsive to the previous twenty-nine questions. DTSC conducted an extensive investigation of the BAD Site and TriMas's operations in connection with it. DTSC's investigation included an information request to NI Industries and the DTSC files include NI's Response to DTSC's information request, among other documents. We understand that EPA is already in possession of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these files, they are readily available to EPA.

Any questions EPA may have regarding the responses to this information request may be directed to Albert H. Bostain at 260 925-3700 x 254.

Sincerely,



Albert H. Bostain

Director of Environmental Health and Safety

TriMas Corporation

Folder	Document ID	Description
correspondence to DTSC	13370	11/16/92 Response to 8/31/92 request for information
correspondence to DTSC	13380	9/24/92 request for 30 day extension 8/31/92 letter
correspondence to DTSC	13381	9/28/92 request for 30 day extension for 9/24/92 request
correspondence to DTSC	13382	2/3/93 clarification of drum count regard 11/16/92 submittal
correspondence to DTSC	14080	11/10/95 shipping and sales records and summary
DTSC correspondence from DTSC	14010	8/31/92 request for information regarding BAD
DTSC correspondence from DTSC	14130	Misc. receiving tickets and ledgers from BAD
Vendor communication	14230	Myers Drum Oakland CA drum cleaning requirements
Vendor communication	14231	HOICHEM May '91 container requirements
Internal Communication	14240	11/11/80 Haz waste handling SOP; 6/9/80 Chemical waste disposal SOP; undated vendor owned returnable container SOP
MSDS's	14370	Misc. MSDS of material that may have been stored in drums
MSDS's	14380	Misc. MSDS of material that may have been stored in drums